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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: MICHAEL E. TOMPKINS,
AND MICHAEL J. GREEN

GROUP ART UNIT: 2314

SERIAL NO.: 08/162,420

FILED: December 3, 1993

FOR: A MICROCOMPUTER SPA
CONTROL SYSTEM

EXAMINER: E. Ramirez

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Our File Number: 86-1198-06
Date: July 17, 1994

Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Sir:

These comments are directed to the Examiner's Statement of Reasons for Allowance mailed June 10, 1994, as clarification of Applicants' understanding of such reasons. The Applicants' comments are directed to two main points: (1) the patentability of a claim must be determined by an analysis of the claim as a whole, and not by focusing on isolated limitations; and (2) all of the pending claims patentably distinguish over the prior art.

In the Examiners' Statement of Reasons for Allowance, the Examiner selected certain limitations of the claims when discussing patentability vis-a-vis the prior art, for purposes of illustration. While Applicants generally agree with the Examiner's conclusions that those limitations are not found in the prior art, for clarity, they understand that the patentability of claims discussed was determined as a whole, and not based on a few selected features. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1548 (Fed. Cir. 1983) cert. denied,

469 U.S. 851 (1984). Applicants also note that other features of the independent claims not discussed by the Examiner also distinguish over the prior art.

In addition, the Examiner has noted that certain claims patentably distinguish over a selected prior art reference. With respect to this issue, Applicants wish simply to point out that they understand from the Office's action that all of the pending claims (and not just the particular claims discussed by the Examiner) patentably distinguish over the prior art. This is, of course, evident from the fact that the Examiner has allowed those claims. They believe that the Examiner did not mention other claims with respect to the discussed references based on the Examiner's conclusion that these references were not relevant to the patentability of the non-mentioned claims.

Any questions regarding these comments should be directed to the undersigned.

Respectfully submitted,



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CERTIFICATE OF MAILING

I hereby certify that the attached communication is being deposited in the United States mail as Express Mail Next Day Service, No. AB099656040, in an envelope addressed to Commissioner of Patents and Trademarks, Washington, D.C. 20231, on July 20, 1994 from Houston, Texas by Billie L. Ehlinger.

In the event that such communication is not timely filed in the United States Patent and Trademark Office, it is requested that this paper be treated as a petition and that the:

X delay in prosecution be held unavoidable - 35 U.S.C. 133.

X delay payment of the fee be accepted - 35 U.S.C. 151.

The petition fee required is authorized to be charged to Deposit Account No. 15-0697 in the name of David Ostfeld, P.C.

The undersigned declare further that all statements made herein are true, based upon the best available information; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

July 20, 1994
Date

[Signature]
David M. Ostfeld, Reg. No. 27,827

July 20, 1994
Date

Billie L. Ehlinger
(Signature of person mailing, if other than the above)